

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARIO M.K. MOORE,
Petitioner,
v.
ROBERT FOX,
Respondent.

Case No. [15-cv-3776-TEH](#)

ORDER FOR PETITIONER TO SHOW
CAUSE

Petitioner, Mario Moore, has filed a pro se Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254, challenging a judgment of conviction from the San Francisco County Superior Court.

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This Court may entertain a petition for a writ of habeas corpus "in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2254(a). It shall "award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." Id. § 2243.


Petitioner was sentenced to 25 years to life in 1989. He indicates that his direct appeals ended in 1991, but he filed

1 state habeas petitions that were denied in 2005 and 2015.
2 Petitions filed by prisoners challenging non-capital state
3 convictions or sentences must be filed within one year of the
4 latest of the dates on which: (1) the judgment became final
5 after the conclusion of direct review or the time passed for
6 seeking direct review; (2) an impediment to filing an application
7 created by unconstitutional state action was removed, if such
8 action prevented petitioner from filing; (3) the constitutional
9 right asserted was recognized by the Supreme Court, if the right
10 was newly recognized by the Supreme Court and made retroactive to
11 cases on collateral review; or (4) the factual predicate of the
12 claim could have been discovered through the exercise of due
13 diligence. 28 U.S.C. § 2244(d)(1).

14 It appears that this petition is untimely by many years.
15 Petitioner shall show cause within twenty-one (21) days why the
16 petition should not be dismissed as untimely.¹ Failure to file a
17 response will result in this case being dismissed.

18 IT IS SO ORDERED.

19 Dated: 08/26/2015

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21 THELTON E. HENDERSON
22 United States District Judge

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28 ¹ Petitioner should also indicate when appeals and state habeas petitions were filed and denied.